

REMARKS

The Specification has been amended. Claims 1 - 15 have been amended. No new matter has been added. Thus, claims 1 - 15 are pending in the present application. It is respectfully submitted that, based on the following remarks, all of the presently pending claims are in condition for allowance.

The Specification stands objected to as reciting the term “bush.” The Examiner has indicated that the term “bush” is not acceptable in the context of the disclosure as it pertains to the English language. All recitations of the term “bush” in the Specification have been amended to recite “bushing”. Additionally, the reference character “410b” in paragraph [0023] has been changed to “510b” to correct an error. It is therefore respectfully requested that the objection to the Specification be withdrawn.

Claims 1 - 5, 11 - 12 and 14 - 15 stand objected to as containing informalities. All recitations of the term “bush” in the claims have been amended to recite “bushing”. Furthermore, claims 4 - 10, 12 and 14 -15, which were submitted as multiple dependent claims, have been amended to correct their dependency. It is therefore respectfully requested that the objection to the claims be withdrawn

Claims 2 - 3, 11, 13 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Each of these rejected claims has been amended to provide antecedent basis for the recited elements. It is therefore respectfully requested that the objection to these claims be withdrawn

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Saunders et al. (EP Patent No. 132284 A1) (hereinafter “Saunders”).

Amended claim 1 recites “[a]n aiming device for drilling a hole in a region of a bone which is in the vicinity of a joint, comprising a U-shaped bow having at least one contact element at a first end of the bow and, at a second end of the bow a screw spindle movable towards and away from the contact element and having a rotary grip, for clamping the device to the region of

the bone in the vicinity of the joint, and a drill bushing, wherein the drill bushing can be removably inserted through the contact element, a bone compression produced by the bow persisting after removal of the drill bushing for insertion of a bone screw.”

It is respectfully submitted that Saunders fails to teach “a drill bushing, wherein the drill bushing can be removably inserted through the contact element,” as recited in claim 1. In the Office Action, the Examiner has analogized the burr guide 8 of Saunders to the “drill bushing” of claim 1 and the pin 7 of Saunders to the “contact element” of claim 1. However, it is respectfully submitted that the burr guide 8 is not removably inserted through the pin 7 nor is the pin 7 capable of receiving anything therethrough. Rather, the pin 7 is formed as a solid thin rod inherently incapable of receiving anything therethrough. (See Saunders, p. 4, ll. 9 - 13; Fig. 1). It is therefore respectfully submitted that neither the elements recited by the Examiner nor any other elements in the Saunders device are capable of meeting the limitations of claim 1.

Saunders therefore fails to teach “a drill bushing, wherein the drill bushing can be removably inserted through the contact element,” as recited in claim 1. It is therefore respectfully submitted that claim 1 is allowable over Saunders. Claim 2 has been amended to depend from independent claim 1. It is therefore respectfully submitted that claim 2 is allowable over Saunders as being dependent on an allowable base claim.

Claims 14 recites limitations substantially similar to claim 1, including a kit for assembling a device for inserting angle-stable long screws in the articular region of a bone, the kit comprising “a U-shaped bow having a contact element at a first end and an adjustable screw spindle at a second end, a target bone plate which can be connected to the U-shaped bow, *a drill bushing capable of being inserted through the contact element* and an implant which can be temporarily fixed to the target bone plate.” It is therefore respectfully submitted that claim 14 and its dependent claim 15 are allowable over Saunders for the same reason noted above with respect to claim 1.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Saunders in view of Sher et al. (U.S. Patent No. 4,364,381) (hereinafter “Sher”).

Claim 3 depends from and therefore includes all of the limitations of independent claim

1. It is respectfully submitted that Saunders and Sher, taken alone or in combination, fail to teach or suggest the limitations of independent claim 1. Claim 3 is therefore allowable as being dependent on an allowable base claim.

Claims 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebner et al. (U.S. Published Appln. No. 2004/0102788) (hereinafter "Huebner") in view of Beger (U.S. Patent No. 6,299,616) in further view of Sher.

Amended claim 11 recites a method for inserting angle-stable, long screws in the articular region of a bone, comprising the steps of "*screwing a target plate to a lateral implant prior to performing a target procedure, the target plate and lateral implant being mounted on an adaptor bushing of an aiming device by a plug connection; inserting a drill bushing into an orifice of a cylindrical guide, wherein the drill bushing, on passing through the adaptor bushing and the target plate, comes into contact with a complementary internal thread in a bore of the lateral implant, whereupon the target plate and lateral implant are placed together on a fragmented portion of the bone and clamped by a screw spindle of the aiming device and fixed through the implant by means of a proximal bone screw, so that the point of emergence of the distal, angle-stable screws can be determined prior to drilling after the target plate and lateral implant have been correctly aligned, drilling can be effected through the integrated drill bushing, it being possible directly to determine the length of the screw to be used and hence the depth of the hole to be drilled, in particular on the basis of a scale mounted on the screw spindle; removing the drill bushing; and inserting the distal bone screw while maintaining the compression of the bone.*"

It is respectfully submitted that Huebner fails to teach or suggest the step of "screwing a target plate to a lateral implant prior to performing a target procedure, the target plate and lateral implant being mounted on an adaptor bushing of an aiming device by a plug connection," as recited in claim 11. Rather, the device of Huebner connects the coupling portion 74 to the bone repair device 52 by inserting fasteners 58 through each of the respective elements and into the bone 24. (See Huebner, ¶ [0025], [0053], [0065]; Figs. 2, 6 - 7). Huebner makes no disclosure of mounting the coupling portion on an adaptor bushing of an aiming device or on any bushing at all. Rather, the device of Huebner is silent with respect to an adaptor bushing permitting a plug connection between coupling portion 74 and the bone repair device 52. It is submitted that claim

11 is allowable over Huebner for at least this reason.

Huebner also fails to teach or suggest the step of “inserting a drill bushing into an orifice of a cylindrical guide, wherein the drill bushing, on passing through the adaptor bushing and the target plate, *comes into contact with a complementary internal thread in a bore of the lateral implant.*” Rather, it is respectfully submitted that, by virtue of the design of the device of Huebner, Huebner is inherently incapable of performing the above-recited step. Specifically, the guide element 60 of Huebner is configured to rest on the bone at a location substantially opposite a location of the coupling portion 74 so that a hole-forming tool 56 inserted through the guide element 60 can align with the bone repair device 52 on the opposite side of the bone. (See Huebner, ¶ [0033], [0067], [0068]; Figs. 2, 7). Initially, it is respectfully submitted that the guide element 60 of Huebner is incapable of coming into contact with the coupling portion 74, which the Examiner has analogized to the lateral implant of claim 11, due to its location on an opposing side of the bone 24. (*Id.*). Furthermore, it is submitted that the device of Huebner is incapable of being modified to meet the recited limitation of claim 1 since doing so would prevent the guided insertion of the screw 152 into the bone and through the bone repair device 52. (*Id.*). It is therefore respectfully submitted that claim 11 is allowable for this additional reason.

Beger and Sher fail to overcome the recited deficiencies in Huebner. It is therefore respectfully submitted that Huebner, Beger and Sher, taken alone or in any combination, fail to teach or suggest the step of “screwing a target plate to a lateral implant prior to performing a target procedure, the target plate and lateral implant being mounted on an adaptor bushing of an aiming device by a plug connection” in combination with “inserting a drill bushing into an orifice of a cylindrical guide, wherein the drill bushing, on passing through the adaptor bushing and the target plate, *comes into contact with a complementary internal thread in a bore of the lateral implant,*” as recited in claim 11 and that claim 11 is therefore in condition for allowance. Because claim 13 depends from and therefore includes all of the limitations of claim 11, it is respectfully submitted that this claim is also allowable.

Claim 14 recites a kit for assembling a device for inserting angle-stable long screws in the articular region of a bone, the kit comprising “a *U-shaped bow having a contact element at a first end and an adjustable screw spindle at a second end*, a target bone plate which can be connected to the U-shaped bow, *a drill bushing capable of being inserted through the contact element and*

an implant which can be temporarily fixed to the target bone plate.” Huebner fails to teach or suggest “a *U-shaped bow having a contact element at a first end and an adjustable screw spindle at a second end*, a target bone plate which can be connected to the U-shaped bow, *a drill bushing capable of being inserted through the contact element* and an implant which can be temporarily fixed to the target bone plate,” as recited in claim 14. Furthermore, the Examiner has not cited anything in Huebner that meets the aforementioned limitations. Furthermore, it is respectfully submitted that Beger and Sher fail to cure these deficiencies in Huebner. It is therefore respectfully submitted that claim 14 is allowable over Huebner, Beger and Sher, taken alone or in any combination. Claim 15 is therefore also allowable as being dependent on an allowable base claim.

Claim 15 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Huebner in view of Beger in further view of Sher in further view of Dixon et al. (U.S. Published Appln. No. 2002/0087163).

As noted above, Huebner, Berger and Sher fail to teach or suggest the limitations of claim 14. Dixon fails to cure these deficiencies. It is therefore submitted that claim 14 is allowable over Huebner, Beger, Sher and Dixon, taken alone or in any combination. Because claim 15 depends from and therefore includes all of the limitations of claim 14, it is respectfully submitted that this claim is also allowable.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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